



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

	Application Number	10/613,728	
	Filing Date	07-03-2003	
	First Named Inventor	ROBBINS, JEFFREY	
	Art Unit	1632	
	Examiner Name	Montanari, David A.	
Total Number of Pages in This Submission	7+	Attorney Docket Number	CHM02-GN053

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> ITEMIZED RETURN POST CARD
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<input type="button" value="Remarks"/> <p>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT INCLUDING FORM PTO/SB/08B &amp; COPIES OF 6 NON-PATENT REFERENCES</p>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	TAFT STETTINIUS & HOLLISTER, LLP		
Signature			
Printed name	DAVID A. MANCINO		
Date	12-01-2005	Reg. No.	39,289

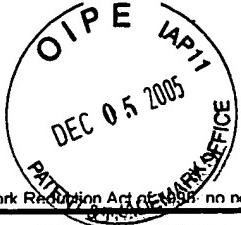
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Signature			
Typed or printed name	CAROLYN MIGALA, PARALEGAL	Date	12-01-2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

180.00

**Complete if Known**

Application Number	10/613,728
Filing Date	07-03-2003
First Named Inventor	Robbins, Jeffrey
Examiner Name	Montanari, David A.
Art Unit	1632
Attorney Docket No.	CHM02-GN053

**METHOD OF PAYMENT** (check all that apply)

Check    Credit Card    Money Order    None    Other (please identify): \_\_\_\_\_  
 Deposit Account   Deposit Account Number: 50-3072   Deposit Account Name: **TAFT, STETTINIUS & HOLLIS**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below    Charge fee(s) indicated below, except for the filing fee  
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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>
	- 20 or HP =	x	=			

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
	- 3 or HP =	x	=		

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____	- 100 =	/ 50 = (round up to a whole number) x _____	=	_____

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): (1806) IDS SUBMISSION FEEFees Paid (\$)

\$180.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 39,289	Telephone 513-357-9331
Name (Print/Type)	DAVID A. MANCINO		Date 12-01-2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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(Date)

Carolyn Migala

Carolyn Migala

12/06/2005 GWORDOF1 00000028 503072 10613728

01 FC:1806 180.00 DA

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant : Robbins, Jeffrey  
Serial No. : 10/613,728  
Filed On : 07-03-2003  
Title : A ROBUST, INDUCIBLE CARDIAC PREFERRED EXPRESSION SYSTEM FOR TRANSGENESIS  
Docket No. : CHM02-GN053  
Examiner : Montanari, David A.  
Art Unit : 1632

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313

Dear Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

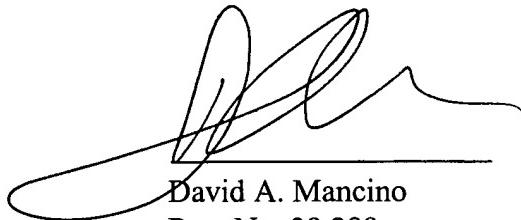
Pursuant to 37 C.F.R. § 1.97, the Examiner's attention is directed to the references listed on the attached Form PTO-SB-08B. A copy of each of the non-patent listed references is provided.

It is to be understood that the present disclosure of art is in no way intended to be a waiver of any arguments or defenses available to the Applicant under the rules of the U.S. Patent  
{W0594194.1}

**Supplemental Information Disclosure Statement**  
**CHM02-GN053**  
**Page 2**

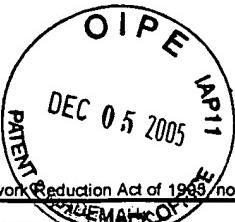
and Trademark Office and the statutes of the United States. The Commissioner is hereby authorized to charge any fees that may be required by this paper, or to credit any overpayment to Deposit Account 50-3072.

Respectfully submitted,



\_\_\_\_\_  
David A. Mancino  
Reg. No. 39,289

030074  
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PTO/SB/08B (08-03)

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Substitute for form 1449/PTO				<i>Complete if Known</i>	
				Application Number	10/613,728
				Filing Date	07/03/2003
				First Named Inventor	Robbins, Jeffrey
				Art Unit	1632
				Examiner Name	Montanari, David A.
Sheet	1	of	1	Attorney Docket Number	CHM02 GN053

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T <sup>2</sup>
		RAHKONEN et al, "Characterization of the murine TIMP4 gene, localization within intron 5 of the synapsin 2 gene and tissue distribution of the mRNA," <i>Biochimica et Biophysica Acta</i> , 19 August 2002, p45-abstract, 1577-1.				
		CHARRON et al. "Cooperative Interaction between GATA-4 and GATA-6 Regulates Myocardial Gene Expression," <i>Molecular and Cellular Biology</i> , June 1999, p4355-4365, 19-6				
		DELLOW et al. "Identification of novel, cardiac-restricted transcription factors binding to a CACC-box within the human cardiac troponin I promoter," <i>Cardiovascular Research</i> , April, 2001, p24-abstract, 50-1				
		GREPIN et al. "A Hormone-Encoding Gene Identifies a Pathway for Cardiac but Not Skeletal Muscle Gene Transcription," <i>Molecular and Cellular Biology</i> , May 1994, p3115-3129, 14-5				
		KIEWITZ et al. "Transcriptional Regulation of S100A1 and expression during mouse heart development," <i>Biochimica et Biophysica Acta</i> , 20 Dec 2000, p207-abstract, 1498-2/3				
		MAJALAHTI-PALVIAINEN et al. "Gene Structure of a New Cardiac Peptide Hormone: A Model for Heart-Specific Gene Expression," <i>Endocrinology</i> , 2000, p731-740, 141-2.				

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.  
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